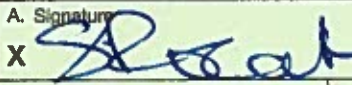


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¹ For delivery information visit our website at www.usps.com	
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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) SARAH ROZAK C. Date of Delivery 9-27-14</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to:		3. Service Type	
<div>Mark Rozak Soldotna Y Chevron 44024 Sterling Highway Soldotna, Alaska 99669</div>		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

SEP 18 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-082

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mark Rozak
Soldotna Y Chevron
44024 Sterling Highway
Soldotna, Alaska 99669

Re: Underground Storage Tank (UST) Compliance Inspection of Soldotna Y Chevron
44024 Sterling Highway, Soldotna, Alaska 99669
EPA UST ID AK518: Opportunity for Expedited Settlement within 30 Days

Dear Mr. Rozak:

I. Notice of Investigation Results

On June 16, 2014, your facility was inspected by Ben Horwitz on behalf of the U.S. Environmental Protection Agency (EPA) to determine your facility's compliance with UST requirements under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6991-6991m) and its implementing regulations (40 C.F.R. part 280). Based on that inspection, the EPA found your facility to be in violation of the following requirements:

- A. Failure to monitor one used oil tank at least every 30 days as required by 40 C.F.R. § 280.41(a) for one UST system from at least July 1, 2013 through June 16, 2014.
- B. Failure to retain every record for release detection monitoring as required by 40 C.F.R. § 280.45 for July 2013, November 2013, January 2014, and February 2014 for tanks 1-4 and September and October 2013 for tank 4 only.
- C. Failure to provide any release detection for underground piping (no automatic line leak detector test, and no annual line tightness test or monthly release detection monitoring) as required by 40 C.F.R. § 280.44 for lines 2-4.
- D. Failure to equip pressurized piping with an automatic line leak detector as required by 40 C.F.R. § 280.41(b)(1)(i) for line 4.

If you believe you are not in violation of these UST requirements, you may provide a written explanation, along with any supporting documentation to Anne Christopher at the EPA address shown below within 30 days of your receipt of this letter.

II. Opportunity for Expedited Settlement

Under RCRA § 9006(d), the EPA may pursue civil penalties of up to \$16,000 per day (as adjusted for inflation) for each violation of UST requirements, including, where applicable, violations of approved and authorized state program requirements. However, the EPA is offering you an opportunity to settle this matter quickly and at a reduced penalty if you choose to follow the expedited settlement procedures outlined below within 30 days of your receipt of this letter. This settlement process is

optional. You are not required to submit this form. If you do not submit this form, the EPA will conclude you are not interested in pursuing expedited settlement. The EPA will then consider other actions to resolve these violations including the possibility of formal (i.e., non-expedited) administrative or judicial enforcement.

If you choose to participate in this expedited settlement process, and the EPA determines you have satisfied the requirements for expedited settlement described below, the EPA will settle the outstanding violations for \$10,390.

III. Procedure for Expedited Settlement

To take advantage of the expedited settlement process, within 30 days of your receipt of this letter you must:

- A. Correct the violations identified above in this form. This means you must correct all past violations that can be corrected and ensure your USTs are in full compliance with the provisions that were identified as violated in Section I above. (Note: Some UST violations cannot be "corrected" because they require performance by, or within, a certain date or timeframe in the past.¹ For example, an owner/operator cannot correct a failure to monitor tanks every 30 days for releases (40 C.F.R. § 280.41(a)) once those 30-day terms have expired. However, those violations can be remedied in this Expedited Settlement Agreement if an owner/operator demonstrates steps were taken to prevent a reoccurrence in the future.) This return to compliance along with the costs of returning to compliance must be documented by the owner/operator.
- B. Provide a deposit for payment of the assessed penalty of \$10,390 as described below.
 - Provide a check or money order for payment sent by mail to: U.S. Environmental Protection Agency, P.O. Box 979077, St. Louis, MO 63197-9000.
 - Provide a check or money order for payment sent by overnight/common carriers (i.e., FedEx, DHL, UPS) to: U.S. Environmental Protection Agency, Government Lockbox 979077, 1005 Convention Plaza SL-MO-C2-GL, St. Louis, MO 63101.
 - Electronic deposits for payment (Vendor Express, Fedwire or Pay.gov) can also be made following these online directions: <http://www2.epa.gov/financial/makepayment>.

To ensure proper credit, include the following information with your deposit for payment.²

1. The docket number as listed on the UST Expedited Settlement Agreement and Final Order (ESA). (For checks, money orders, and other non-electronic deposits, the document number should be written on the deposit instrument.);

¹ If an owner/operator is unsure if a violation is correctable, he or she should consult with the EPA compliance officer assigned to this case.

² When making an electronic payment, you will have the ability to provide this information. For non-electronic payments, this information can be provided on a note accompanying the payment instrument (check, money order, etc.); however, the docket number should always be placed on the payment instrument.

2. Respondent's name and address (as it appears in UST ESA documents);
3. Respondent's point of contact (name and phone number);
4. EPA contact name and phone number; and
5. Reason for deposit.

C. Complete and return to the EPA the enclosed ESA. When returning the signed ESA to the EPA, you must also include:

1. Documentation demonstrating that your facility is now in compliance with UST requirements that were alleged to be violated;
2. Proof of deposit for penalty payment (e.g., copy of the check, a statement of affirmation or receipt of an electronic funds transfer); and
3. An estimate of the cost of returning to compliance.

Your signed ESA and attached documentation should be sent certified mail, return receipt requested, to:

Anne Christopher
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, OCE-082
Seattle, Washington 98101

Extensions: The EPA, at its discretion, may grant an extension of up to 30 days if you can demonstrate that it is not feasible for you to come into compliance within the initial 30-day time period. You must request that extension in writing before the initial 30-day time period expires. That written request must explain why compliance within 30 days is not feasible and it must contain a schedule for when you will come into compliance (which must not extend beyond the extension period).

Settlement Agreement Certification: By signing the ESA, you are certifying under penalty of law that you corrected the violations, submitted true and accurate documentation of compliance, provided a deposit to pay the penalty, and that you release to the EPA your deposit for payment upon entry of the ESA. Failure to meet those conditions means you may be liable for the original violations as well as liable for making a false representation to the U.S. Government.³ By signing the ESA, you agree to waive your opportunity for a hearing or appeal concerning your violations.

By copy of this letter, the EPA is providing the Alaska Department of Environmental Conservation with notice of the UST violations listed above. For your information, the EPA's fact sheet with details on small business resources and compliance is included with this package.

³ Under 18 U.S.C. § 1001, it is a federal crime to make materially false, fictitious, or fraudulent statements or representations to the U.S. Government.

We are committed to the fair and rapid settlement of this matter. If you have any questions, or wish to discuss the general circumstances of your case, please contact the Compliance Officer assigned to your case, Anne Christopher at Christopher.anne@epa.gov or (206) 553-8293.

Sincerely,



Peter Contreras
Unit Manager

cc via email: Larry Brinkerhoff
Alaska Department of Environmental Conservation

Enclosures

1. Expedited Settlement Agreement
2. Standard Penalty Checklist Information for Small Businesses
3. Description of Alleged Violations and Summary of Proposed Penalty
4. Penalty Guidance for Expedited Settlement Agreements (ESAs) for Underground Storage Tank Enforcement

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

IN THE MATTER OF:

Soldotna Y Chevron
EPA ID. No. AK518
Respondent

) Docket No.
) RCRA 10-2015-0011
)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges that Soldotna Y Chevron ("Respondent"), owner or operator of the Underground Storage Tank(s) (USTs) at 44024 Sterling Highway, Soldotna, Alaska 99669 (the "UST Facility"), failed to comply with the following requirement(s) of Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6991-6991m, and its implementing regulations at 40 C.F.R. part 280.
 - a. Failure to monitor one used oil tank at least every 30 days as required by 40 C.F.R. § 280.41(a) from at least July 1, 2013 through June 16, 2014.
 - b. Failure to retain every record for release detection monitoring as required by 40 C.F.R. § 280.45 for July 2013, November 2013, January 2014, and February 2014 for tanks 1-4 and September and October 2013 for tank 4 only.
 - c. Failure to provide any release detection for underground piping (no automatic line leak detector test, and no annual line tightness test or monthly release detection monitoring) as required by 40 C.F.R. § 280.44 for lines 2-4 from at least July 1, 2013 through June 20, 2014.
 - d. Failure to equip pressurized piping with an automatic line leak detector as required by 40 C.F.R. § 280.41(b)(1)(i) for line 4.
2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$10,390 is in the public interest.
3. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (ESA) pursuant to section 9006 of RCRA and 40 C.F.R. § 22.13(b).
4. In signing this ESA, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein, (4) consents to the assessment of this penalty, and (5) waives any right to contest the allegations contained herein.

5. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this ESA, and (5) agrees to release the deposit for payment to the EPA upon entry of this Order.
6. Upon filing, this ESA shall constitute full settlement of all claims for civil penalties under RCRA for the violation(s) alleged herein.
7. The EPA reserves all of its other rights to take enforcement action for any past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or against any violations alleged to have been corrected pursuant to this ESA that were not corrected.
8. Upon signing and returning this ESA to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to section 9006(b) of RCRA or 40 C.F.R. part 22.
9. Each party shall bear its own costs and fees, if any.
10. This ESA is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): _____

Title (print): _____

Signature: _____

Date _____

APPROVED BY EPA:

Edward J. Kowalski, Director
Office of Compliance and Enforcement
EPA Region 10

Date _____

IT IS SO ORDERED:

Socorro Rodriguez
Regional Judicial Officer

Date _____



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmirc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/calct or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

DESCRIPTION OF ALLEGED VIOLATIONS AND SUMMARY OF PROPOSED PENALTY

**Mark Rozak
Soldotna Y Chevron
44024 Sterling Highway
Soldotna, Alaska 99669**

Description of Alleged Violations

Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6991-6991m) and its implementing regulations (40 C.F.R. part 280) require owners and operators of underground storage tank (UST) systems to conduct release detection for tanks and piping, and maintain these records for at least one year, or for another reasonable period of time determined by the implementing agency.

On June 16, 2014, a representative from the EPA conducted an inspection of Soldotna Y Chevron in Soldotna, Alaska, owned and/or operated by Mark Rozak (Respondent). Soldotna Y Chevron (the facility) has five tanks, three of which have pressurized piping, one that has safe suction piping, and one used oil tank that has gravity fed piping. Based on information gathered during the inspection, the EPA identified the following violations of 40 C.F.R. part 280 described below.

Violation 1 – Failure to Conduct Release Detection for One Tank

Respondent failed to monitor the used oil tank at least every 30 days as required by 40 C.F.R. § 280.41(a) from at least July 1, 2013 through the date of EPA's inspection on June 16, 2014.

Violation 2 – Failure to Maintain Release Detection Records for Four Tanks

Respondent failed to retain every record for release detection monitoring as required by 40 C.F.R. § 280.45 for July 2013, November 2013, January 2014, and February 2014 for tanks 1-4 and September and October 2013 for tank 4 only.

Violation 3 – Failure to Conduct Release Detection for Piping for Three Pressurized Lines

Generally, Respondent failed to provide any release detection for the underground pressurized piping for lines 2-4 as required by 40 C.F.R. § 280.44.

Specifically, Respondent failed to conduct an annual automatic line leak detector (ALLD) test for lines 2-4 from at least September 11, 2012 (one year after the last line leak detector test on September 11, 2011) through June 20, 2014, in violation of 40 C.F.R. § 280.44(a).

Respondent also failed to conduct an annual line tightness test (LTT) or conduct monthly monitoring for lines 2-4 from at least June 25, 2013 (one year after the last line tightness test on June 25, 2012) through June 20, 2014, in violation of 40 C.F.R. § 280.44(b).

Violation 4 – Failure to Equip Pressurized Piping with an Automatic Line Leak Detector

Respondent failed to equip pressurized piping with an automatic line leak detector as required by 40 C.F.R. § 280.41(b)(1)(i) for line 4. The date the automatic line leak detector for line 4 was removed is unknown.

Summary of Proposed Penalty

The EPA uses the Underground Storage Tank Program (UST) Expedited Settlement Agreement (ESA) to ensure that enforcement actions for violations of 40 C.F.R. § 280 are applied in a fair, uniform, and consistent manner. Specific circumstances may warrant departure from the UST ESA Guidance.

The UST ESA can be used to resolve those violations listed in the Penalty Guidance for ESAs for UST Enforcement. They include (1) violations that were resolved under a prior field citation that have since been repeated and (2) certain violations that are not covered by the Field Citation Program. The UST ESA can address multiple violations up to a total combined penalty of \$15,000.

A repeat violator is a violator who, in the past five years, has had the same or closely-related violation(s) that were subject to an enforcement action at the facility where the violation occurred, or at other facilities under the ownership, operation, or control of the violator. The five-year period commences from the date a federal, state, tribal, or local government provided the violator with notice of a specific violation, without regard to when the violation actually occurred. EPA staff may consider prior enforcement by states to include actions that did not include penalties, if circumstances warrant.

Soldotna Y Chevron has a history of noncompliance with release detection requirements. The EPA inspected this facility in 2008 and found violations of piping release detection (no annual line leak detector testing and no line tightness testing or monthly monitoring) and no tank release detection for the used oil tank. Because the facility was in the process of being sold to the current owner, the EPA issued a notice of noncompliance for the violations.

In 2011, the facility was inspected by a third party inspector in Alaska and the same violations were found: no piping release detection (no annual line leak detector testing and no line tightness testing or monthly monitoring) and no tank release detection for the used oil tank. The Alaska Department of Environmental Conservation put the facility on release detection probation from September 2011 to September 2012.

The EPA's most current inspection on June 16, 2014, noted the same repeat violations that are listed above, so this facility meets the requirements to use the UST ESA.

The total proposed penalty for all of the violations is \$10,390, as summarized in the table below.

Regulatory Citation	Description of Violation	Unit of Assessment: Tank, Facility, Piping	Penalty Amount
40 C.F.R. § 280.41(a)	Failure to monitor used oil tank at least every 30 days	T	\$1,700 x 1= \$1,700
40 C.F.R. § 280.45	Failure to retain every record for release detection monitoring for July 2013, November 2013, January 2014, and February 2014 for tanks 1-4 and September and October 2013 for tank 4 only	F	\$100 per record x 6 records= \$600
40 C.F.R. § 280.44	Failure to provide any release detection for underground piping for lines 2-4	P	\$2,130 x 3= \$6,390
40 C.F.R. § 280.41(b)(1)(i)	Failure to equip pressurized piping with an automatic line leak detector on line 4	P	\$1,700 x 1= \$1,700
TOTAL=			\$10,390

Penalty Guidance for Expedited Settlement Agreements (ESAs) for Underground Storage Tank Enforcement

July 23, 2014

Selected Violations of Federal Underground Storage Tank Regulations Appropriate for Expedited Settlement

SUBPART B -- UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION

§280.20 Performance Standards for New UST Systems

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.20(a)(1)	Installation of an improperly constructed fiberglass-reinforced plastic tank	T	\$1700
§280.20(a)(2)	Installation of an improperly designed and constructed metal tank that fails to meet corrosion protection standards	T	\$850
§280.20(a)(2)(i)	Installation of a metal tank with unsuitable dielectric coating	T	\$850
§280.20(a)(2)(ii)	Installation of an improperly designed cathodic protection system for a metal tank	T	\$550
§280.20(a)(2)(iii)	Improper installation of cathodic protection system for a metal tank	T	\$550
§280.20(a)(2)(iv)	Improper operation and maintenance of tank cathodic protection system	T	\$850
§280.20(a)(3)	Installation of an improperly constructed steel-fiberglass-reinforced-plastic composite tank	T	\$850
§280.20(b)(1)	Installation of improperly constructed fiberglass-reinforced plastic piping	P	\$1700
§280.20(b)(2)	Failure to provide any cathodic protection for metal piping	P	\$850
§280.20(b)(2)(i)	Installation of piping with unsuitable dielectric coating	T	\$850
§280.20(b)(2)(ii)	Installation of improperly designed cathodic protection for metal piping	P	\$550

§280.20(b)(2)(III)	Improper installation of cathodic protection system for piping	P	\$550
§280.20(b)(2)(IV)	Improper operation and maintenance of cathodic protection system for metal piping	P	\$850
§280.20(c)(1)	Failure to install any spill prevention system.	T	\$1700
§280.20(c)(1)	Failure to install any overfill prevention system.	T	\$850
§280.20(c)(1)(I)	Installation of inadequate spill prevention equipment in a new tank	T	\$1700
§280.20(c)(1)(II)	Installation of inadequate overfill prevention equipment in a new tank	T	\$850
§280.20(d)	Failure to install tank in accordance with accepted codes and standards	T	\$850
§280.20(d)	Failure to install piping in accordance with accepted codes and standards	P	\$850
§280.20(e)	Failure to provide any certification of UST installation	F	\$840
§280.20(e)(1)-(6)	Failure to provide complete certification of UST installation	F	\$60 each

§280.21 Upgrading of Existing UST Systems

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.21(a)	Failure to perform replacement, upgrade, or closure for existing substandard tank systems	T	\$2130
§280.21(b)(1)(I)	Improper installation of interior lining for tank upgrade requirements	T	\$1700
§280.21(b)(1)(II)	Failure to meet interior lining inspection requirements for tank upgrade	T	\$850
§280.21(b)(2)(I)	Failure to ensure that tank is structurally sound before installing cathodic protection	T	\$850
§280.21(b)(2)(II)	Failure to provide any monthly monitoring of cathodic	T/F	\$1700/2130

protection for tank upgrade equipment

§280.21(b)(2)(II)	Failure to provide continuous monthly monitoring of cathodic protection for tank upgrade requirement	T/F	\$110/\$140
§280.21(b)(2)(III)	Failure to meet tightness test requirements for a tank upgraded with cathodic protection	T/F	\$850/\$1060
§280.21(b)(2)(IV)	Failure to meet requirements for testing for corrosion holes for a tank upgraded with cathodic protection	T/F	\$850/\$1060
§280.21(c)	Failure to install any cathodic protection for metal piping upgrade requirements	P	\$1700
§280.21(c)	Failure to meet piping tightness test requirements for metal piping after upgrade with cathodic protection	P	\$850
§280.21(d)	Failure to provide spill prevention system for an existing tank	T	\$1700
§280.21(d)	Failure to provide overfill prevention system for an existing tank	T	\$850

§280.22 Notification Requirements

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.22(a)	Failure to notify state or local agency within 30 days of bringing an UST system into use	T	\$1700
§280.22(a)	Failure to notify designated state or local agency of existing tank	T	\$1700
§280.22(c)	Failure to identify on the submitted notification form all known tanks on that site	F	\$850
§280.22(c)	Failure to submit a separate notification form identifying all known tanks for each site where tanks are located	F	\$280
§280.22(e)-(f)	Failure to provide complete certification of all requirements on the notification form.	F	\$840
§280.22(g)	Failure to inform tank purchaser of notification requirements	T	\$1700

SUBPART C -- GENERAL OPERATING REQUIREMENTS

§280.30 Spill and Overfill Control

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.30(a)	Failure to take necessary precautions to prevent overfill/spillage during the transfer of product	F	\$2130
§280.30(b)	Failure to report a spill/overfill	F	\$2130
§280.30(b)	Failure to investigate and clean up a spill/overfill	F	\$2130

§280.31 Operation and Maintenance of Corrosion Protection

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.31(a)	Failure to operate and maintain corrosion protection system continuously	T/F	\$1700/\$2130
§280.31(b)(1)	Failure to ensure that cathodic protection system is tested within 6 months of installation	T/F	\$1700/\$2130
§280.31(b)(1)	Failure to ensure that cathodic protection system is tested every 3 years thereafter	T/F	\$850/\$1060
§280.31(b)(1)	Failure to meet one year 3-year test for cathodic protection system	T/F	\$110/\$140
§280.31(b)(2)	Failure to inspect cathodic protection system in accordance with accepted terms	T/F	\$850/\$1060
§280.31(c)	Failure to inspect Impressed current systems every 60 days	T/F	\$850/\$1060
§280.31(d)	Failure to maintain any records of cathodic protection inspections	T/F	\$850/\$1060
§280.31(d)	Failure to maintain every record of cathodic protection inspections	T/F	\$100 per record

§280.32 Compatibility

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.32	Failure to ensure that UST system is made of or lined with materials compatible with substance stored	T/P	\$1700

§280.33 Repairs allowed

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.33(a)	Failure to repair UST system in accordance with accepted codes and standards	T	\$1700
§280.33(b)	Failure to repair fiberglass-reinforced UST in accordance with accepted codes and standards	T	\$1700
§280.33(c)	Failure to replace metal piping that has released product	P	\$2130
§280.33(c)	Failure to repair fiberglass-reinforced piping in accordance with manufacturers specifications	P	\$1700
§280.33(d)	Failure to ensure that repaired tank systems are tightness tested within 30 days of completion of repair	T	\$850
§280.33(e)	Failure to test cathodic protection system within 6 months of repair of an UST system	T	\$850
§280.33(f)	Failure to maintain records of each repair to an UST system	T	\$1700

§280.34 Reporting and recordkeeping

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
For violations of reporting and recordkeeping, see appropriate regulatory section (e.g., reporting of releases will be under Subpart D).			
§280.34(a)(1) or	Failure to submit notification for UST system	T,P/F	\$840/\$1680
§280.34(a)(1)	Failure to submit certification of a new installation with notification form	T,P/F	\$840/\$1680
§280.34(b)(1)	Failure to maintain analysis of site corrosion potential if corrosion protection equipment is not used	T,P/F	\$140/\$280
§280.34(b)(2)	Failure to maintain corrosion protection equipment operation documentation	T/F	\$140/\$280
§280.34(b)(3)	Failure to maintain documentation of UST system repairs	T,P/F	\$140/\$280
§280.34(b)(4)	Failure to maintain documentation of compliance with release detection requirements	T/F	\$140/\$280
§280.34(c)(1) or	Failure to maintain records at UST site and immediately available for inspection	T/F	\$140/\$280
§280.34(c)(2)	Failure to maintain records at a readily available alternative site	T/F	\$140/\$280

SUBPART D -- RELEASE DETECTION**§280.40 General Requirements for All UST systems
(Applies only to Petroleum Tanks)**

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.40(a)(1)	Failure to provide adequate release detection method capable of detecting a release from tank or piping that routinely contains product	T/F	\$2130

§280.40(a)(2)	Failure to install, calibrate, operate, or maintain release detection method in accordance with manufacturer's instructions	T/F	\$2130
§280.40(a)(3)	Failure to provide a release detection method that meets the performance requirements of §280.43 or §280.44	T/F	\$1700/\$2130
§280.40(b)	Failure to notify implementing agency when release detection indicates release	T/F	\$1700/\$2130
§280.40(d)	Failure to close any UST system that cannot meet release detection requirements	T/F	\$1700/\$2130

§280.41 Requirements for Petroleum UST Systems

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.41(a)	Failure to monitor tanks at least every 30 days, if appropriate	T	\$1700
§280.41(a)(1)	Failure to conduct tank tightness testing every 5 years, if appropriate	T	\$1700
§280.41(a)(2)	Failure to conduct annual tank tightness testing, if appropriate	T	\$1700
§280.41(b)	Failure to use any underground piping monitoring method	P	\$1700
§280.41(b)(1)(I)	Failure to equip pressurized piping with automatic line leak detector	P	\$1700
§280.41(b)(1)(II)	Failure to have annual line tightness test or perform monthly monitoring on pressurized piping	P	\$1700
§280.41(b)(2)	Failure to conduct line tightness test or use monthly monitoring on suction piping	P	\$1700

§280.42 Requirements for hazardous substance UST systems

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.42(a)	Failure to provide release detection for an existing hazardous substance UST system	T/F	\$1700/\$2130
§280.42(b)	Failure to provide adequate release detection for a new hazardous substance UST system	T,P/F	\$1700/\$2130
§280.42(b)(1)	Failure to provide adequate secondary containment of tank for a hazardous substance UST	T	\$1700
§280.42(b)(2)	Failure to provide adequate double-walled tank/adequate lining for a hazardous substance UST	T	\$1700
§280.42(b)(3)	Failure to provide adequate external liners for a hazardous substance UST	T	\$1700
§280.42(b)(4)	Failure to provide adequate secondary containment of piping for a hazardous substance UST	P	\$1700

§280.43 Methods of Release Detection for Tanks

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.43(a)	Inadequate operation or maintenance of inventory control	T	\$840
§280.43(a)(1)-(6)		T	\$140 each
§280.43(b)	Inadequate operation or maintenance of manual tank gauging	T	\$840
§280.43(b)(1)-(4)		T	\$140 each

§280.43(c)	Inadequate operation or maintenance of tank tightness testing	T	\$420
§280.43(d)	Inadequate operation or maintenance of automatic tank gauging	T	\$840
§280.43(d)(1)-(2)		F	\$420
§280.43(e)	Inadequate operation or maintenance of vapor monitoring	F	\$840
§280.43(e)(1)-(7)		F	\$420
§280.43(f)	Inadequate operation or maintenance of ground-water monitoring	F	\$840
§280.43(f)(1)-(8)		F	\$420
§280.43(g)	Inadequate operation or maintenance of Interstitial monitoring	T,P/F	\$840/\$1680

§280.44 Methods of Release Detection for Piping

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.44	Failure to provide any release detection for underground piping	P	\$2130
§280.44(a)	Failure to provide adequate line leak detector system for underground piping	P	\$2130
§280.44(b)	Failure to provide adequate line tightness testing system for underground piping system	P	\$2130
§260.44(c)	Inadequate use of applicable tank release detection methods	P	\$2130

§280.45 Release Detection Recordkeeping

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.45	Failure to maintain any records of release detection monitoring	F	\$2130
§280.45	Failure to retain every record for release detection monitoring	F	\$100 per record
§280.45(a)	Failure to document all release detection performance claims for 5 years after installation	F	\$140
§280.45(b)	Failure to maintain any result of sampling, testing or monitoring for release detection for at least 1 year or failure to retain results of tightness testing until next test is conducted	F	\$2130
§280.45(b)	Failure to maintain every result of sampling, testing or monitoring for release detection for at least 1 year or failure to retain results of tightness testing until next test is conducted	F	\$140
§280.45(b)	Failure to retain results of tightness testing until next test is conducted	F	\$2130
§280.45(c)	Failure to document any calibration, maintenance, and repair of release detection	F	\$2130
§280.45(c)	Failure to document every calibration, maintenance, and repair of release detection	F	\$710

SUBPART E — RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION

§280.50 Reporting of Suspected Release

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.50(a)-(c)	Failure to report a suspected release within 24 hours to the implementing agency	F	\$2130

§280.52 Release investigation and confirmation steps

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.52(a)-(b)	Failure to investigate and confirm a release (if appropriate) using accepted procedures	F	\$2130

§280.53 Reporting and cleanup of spills and overfills

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.53(a)	Failure to report a spill/overfill (if appropriate) to implementing agency within 24 hours (or other specified time period)	F	\$2130
§280.53(b)	Failure to contain and immediately clean up a spill/overfill of less than 25 gallons	F	\$2130
§280.53(b)	Failure to contain and immediately clean up a hazardous substance spill/overfill	F	\$2130

**Selected Violations of Federal Underground Storage Tank Regulations
SUBPART F — RELEASE RESPONSE AND CORRECTIVE ACTION**

§280.61 Initial Response

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.61	Failure to take initial response actions within specified time period after a release is confirmed	F	\$2130

§280.62 Initial Abatement Measures and Site Check

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.62	Failure to perform initial abatement measures and submit report within 20 days (or other specified time) of release confirmation	F	\$2130

§280.63 Initial Site Characterization

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.63	Failure to submit report on initial site characterization within 45 days (or other specified time) of release confirmation	F	\$1700

§280.64 Free Product Removal

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.64	Failure to prepare and submit a report within 45 days (or other specified time) of confirming the release that includes, among other things, the estimated quantity, type, and thickness of free product observed, recovery system, discharge treatment, and effluent quality	F	\$1700

**Selected Violations of Federal Underground Storage Tank Regulations
SUBPART G OUT-OF-SERVICE UST SYSTEMS AND CLOSURE****§280.70 Temporary Closure**

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.70(a)	Failure to continue operation and maintenance of corrosion protection system in a temporarily closed tank system	T/F	\$850/\$1060
§280.70(a)	Failure to continue operation and maintenance of release detection in a temporarily closed tank system	T/F	\$1700/\$2130
§280.70(b)	Failure to comply with temporary closure requirements for a tank system for 3 or more months	T/F	\$850/\$1060
§280.70(b)(1)-(2)		T/F	\$850/\$1060
§280.70(c)	Failure to permanently close or upgrade a temporarily closed tank system after 12 months	T/F	\$850/\$1680

§280.71 Permanent Closure and Changes-In-Service

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.71(a)	Failure to notify implementing agency of a closure or change-in-service	T/F	\$1700/2130
§280.71(b)	Failure to remove all liquids and sludges for tank closure	T/F	\$1700/2130
§280.71(b)	Failure to remove closed tank from the ground or fill tank with an inert solid for tank closure	T/F	\$1700/2130
§280.71(c)	Failure to empty and clean tank system and conduct a site assessment prior to a change-in-service	T/F	\$1700/2130

§280.72 Assessing the Site at Closure or Change-In-Service

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.72(a)	Failure to measure (if required) for the presence of a release before a permanent closure	T/F	\$1700

§280.74 Closure Records

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.74	Failure to maintain closure records for at least 3 years	F	\$1700
§280.74	Failure to maintain change-in-service records for at least 3 years	F	\$1700

SUBPART H -- FINANCIAL RESPONSIBILITY

§280.93 Amount and Scope of Required Financial Responsibility

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequ ent Violation Penalty Amount
§280.93(a)	Failure to comply with financial responsibility requirements by the required phase-in time	F	\$850
§280.93(a)(1)-(2)	Failure to meet the requirement for per-occurrence coverage of insurance	F	\$850
§280.93(b)(1)-(2)	Failure to meet the requirement for annual aggregate coverage of insurance	F	\$850
§280.93(f)	Failure to review and adjust financial assurance after acquiring new or additional USTs	F	\$850

§280.94 Allowable mechanisms and combinations of mechanisms

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequ ent Violation Penalty Amount
§280.94	Use of an unapproved mechanism or combination of mechanisms to demonstrate financial responsibility	F	\$850

§280.106 Reporting by owner or operator

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequ ent Violation Penalty Amount
§280.106(a)(1)	Failure to report evidence of financial responsibility to the implementing agency within 30 days of detecting a known or suspected release	F	\$420
§280.106(a)2	Failure to report evidence of financial responsibility to the implementing agency if the provider becomes incapable of providing financial assurance and the owner or operator is unable to obtain alternate	F	\$420

coverage within 30 days.

§280.106(b)	Failure to report evidence of financial responsibility to the implementing agency when new tanks are installed	F	\$420
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§280.107 Recordkeeping

Regulatory Citation	Violation	Unit of Assessment: Tank (T), Facility (F), or Piping (P)	Penalty Amount/Subsequent Violation Penalty Amount
§280.107	Failure to maintain copies of the financial assurance mechanism(s) used to comply with financial responsibility rule and certification that the mechanism is in compliance with the requirements of the rule at the UST site or place of business	F	\$420